

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Drawings

The drawings stand objected to for not showing a claimed feature of “the first and second calibrated passageways connecting the outlet port to respective first and second inlet ports.”

In response, Applicants respectfully submit that the indicated claim limitation is well supported and described in the Specification page 15, line 35 to page 16, line 22 and in the drawings of figures 2-3 corresponding to the text. Nevertheless, Applicants submit new figures 7-8, which are substantially identical in structure with the figure 3, that now shows the reference numerals 98A and 98B to point to the arrangement of calibrated passages. The figures 7-8 add no new matter since they disclose the structure substantially identical to figure 3 and correspond to the description in the Specification page 16, lines 8-16.

The Specification page 16, lines 8-16 have been amended to include references to 98A and 98B that are shown on the newly added figures 7-8.

For these reasons, withdrawal of the objection to the drawings is respectfully requested.

Specification

Specification stands objected to for containing informalities on grounds that the term “pressure-free reservoir” appearing throughout the Specification (e.g., page 7, line 20) be amended to --atmospheric pressure reservoir--. This suggested amendment has been made in the

Specification including the Abstract and the claims. Withdrawal of the objection is respectfully requested.

Claims

Claims 1-16 are pending in the present application before this amendment. By the present amendment, Claims 1, 3-5, 8, 10-13, and 15 have been amended, and Claims 17-29 have been added. No new matter has been added.

Claims 1-15 stand objected under 35 U.S.C. § 112, ¶1 ¶2 as being indefinite.

The suggested amendment amending “pressure-free reservoir” to --atmospheric pressure reservoir-- has been made in all applicable claims.

The suggested amendment amending “means acting” recited in Claim 5, line 17-19 to --communication valve-- has been made.

The Examiner indicates that preamble of Claim 1 reciting “A replenishing device for a closed circuit” is unclear. In response, Claim 1 has been amended to --A replenishing device intended to be used in a closed circuit-- so that the claim and its dependent claims are directed to a replenishing device, and Claim 17-28 have been added to claim the subject matter directed to a closed circuit. Claims 3-4, 8, 10, and 13 have been amended do that they ultimately depend from Claim 17. Claim 29 has been added to claim a replenishing device. No new matter has been added. By the present amendment, Applicants respectfully submit that the ambiguities asserted in the Office Action have been removed and withdrawal of the rejection is respectfully requested.

As to Claims 6 and 11-15, the Office Action indicates that the subject matter claimed in these Claims 6 and 11-15 are not supported by the Specification, because Claims 6 and 11-15 are directed to the first embodiment, but Claim 1 (from which Claims 6 and 11-15 depend) does not.

Applicants respectfully submit, on one hand, that the grounds for this objection are not quite clear. The Office Action, as understood, appears to have interpreted the Claim 1 that refers to a replenishing valve unit as having just one single inlet. It is respectfully submitted that this would be an incorrect interpretation since this claim refers to an inlet, and not to just one inlet. Thus, this objection based on indefiniteness of Claims 6 and 11-15 is based on an impermissible and too-narrow interpretation of the claim language.

Nevertheless, Claim 1 has been amended to recite --~~an inlet~~ inlet means--, and by this amendment, this objection has been overcome. An indication thereof is respectfully requested.

Claims 1, 5-6 and 9 stand rejected as being anticipated by U.S. Patent No. 3,866,421 (Kersten). The "et al." suffix, which may appear after a reference name is omitted throughout this paper.

Claim 1, as amended, does not introduce any new matter since the entire description and drawings clearly show that the replenishing selector and the communication valve have respective mobile elements (slide 54 or 154 of the selector or the piston 102 or 202 of the valve) located one inside the other and able to move one with respect to the other.

The Office Action appears have considered that Kersten discloses a selector 24 and a communication valve 26 located in a same body, which the Office Action assimilates to a valve

body. In fact, they are located in a housing block 34, which also accommodates one-way valves 20, 21 and pressure limiting valves 22, 29, 30 and also the shaft 36.

The arrangement is much more complicated than in the invention, since the selector 24 and the valve 26 are located in respective bores of the housing block that are in different planes (see figures 2 and 3).

Applicants respectfully submit that the amended Claim 1 has been sufficiently distinguished over Kersten at least since the invention of Claim 1 provides for a much more compact arrangement, dramatically reducing the size of the valve body.

Claims 2, 5-6, 9, 11, 12, and 14-16 are in condition for allowance at least since they depend from Claim 1.

Claims 7-8 and 10 are indicated as being allowable if they are rewritten to overcome the standing rejections under 35 U.S.C. §112, ¶2, and to include all limitations of the based claim and any intervening claims.

Applicants thank the Examiner for this indication of allowable subject matter. In response, at least for the reasons above, Claims 7-8 and 10 are considered to have been sufficiently amended in this paper to remove all issues under 35 U.S.C. §112, ¶2. Further, while Applicants respectfully acknowledge that these claims amended to incorporate the limitations of the base and any intervening claims would be allowed, this suggested amendments have not yet been in this paper. This is because the independent claims from which these claims depend have been amended and are now considered to be in condition for allowance. Therefore, Applicants respectfully request allowance of Claims 7-8 and 10.

As to the new Claim 17, this new claim is directed to a closed circuit reciting that the outlet of the replenishing valve communicates with the atmospheric pressure reservoir via the internal space of the motor, which is not disclosed in or taught by Kersten. Therefore, this new claim further defines the arrangement of the valve body of the replenishing valve in a recess of the casing of the motor.

As stated by the Examiner, who has acknowledged the allowability of Claim 8, this specific arrangement as claimed in Claim 17 is neither taught or even suggested in the cited prior art reference. Therefore, allowance of Claim 17 is respectfully requested.

As to the new Claim 29, this claim corresponds to the merger of original Claims 1, 5, and 7, which claims have been considered by the Examiner as being allowable.

The remaining dependent claims depend from either Claim 1 or 17, depending on whether they refer to the replenishing device or to the circuit including such device.

For the reasons set forth above, Applicants respectfully submits that Claims 1-29, now pending in this application, are in condition for allowance over the cited references. This amendment is considered to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully requests reconsideration and withdrawal of the outstanding rejections and

earnestly solicits an indication of allowable subject matter. Should the Examiner have any remaining questions or concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard J. Streit", written over a horizontal line.

Dated: October 1, 2003

Richard J. Streit, Reg. No. 25,765
c/o Ladas & Parry
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300

Attachments: Marked-up copy of the amended Abstract of the Disclosure on a separate sheet.
Annotated sheet of drawing of figures 7 and 8 showing changes in red.
New sheet of drawing of figures 7 and 8.